

**LEGISLATIVE SERVICES AGENCY  
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**FISCAL IMPACT STATEMENT**

**LS 7441**

**BILL NUMBER:** SB 405

**NOTE PREPARED:** Apr 28, 2003

**BILL AMENDED:** Apr 25, 2003

**SUBJECT:** Motor Vehicle Documentation and Sales.

**FIRST AUTHOR:** Sen. Clark

**FIRST SPONSOR:** Rep. Mahern

**BILL STATUS:** Enrolled

**FUNDS AFFECTED:** ☒ **GENERAL**  
☒ **DEDICATED**  
☐ **FEDERAL**

**IMPACT:** State & Local

**Summary of Legislation:** (CCR Amended) This bill: (1) revises procedure regarding delivery of certificate of title and certificate of salvage titles; (2) requires an assembled vehicle to bear an identification number and requires certain information on its certificate of title; (3) requires permission from the Bureau of Motor Vehicles (BMV) to place a special identification number on a motor vehicle that does not bear its original or unaltered identification number; (4) repeals language regarding procedure for an application to the BMV for a missing manufacturer's identification number on a motor vehicle; (5) provides that the BMV may not issue an offsite sale license to certain motor vehicle dealers; (6) makes it an unfair practice for a person to act as a broker in the advertising, buying, or selling of at least 12 new or used vehicles per year; and (7) makes conforming amendments.

**Effective Date:** July 1, 2003.

**Explanation of State Expenditures:**

**Explanation of State Revenues:** (6) *The bill makes it an unfair practice for a person to act as a broker in the advertising, buying, or selling of at least 12 new or used vehicles per year.* IC 9-23-6-4 provides for a civil penalty of not less than \$50 and not more than \$1,000 for each day of violation for each act of violation, as determined by the court. Civil penalties are deposited into the state General Fund. In addition, IC 9-23-6-1 provides for a Class B misdemeanor for violation of this article.

The maximum fine for a Class B misdemeanor is \$1,000. Criminal fines are deposited in the Common School Fund. If the case is filed in a circuit, superior, or county court, 70% of the \$120 court fee that is assessed and collected when a guilty verdict is entered would be deposited in the state General Fund. If the case is filed in a city or town court, 55% of the fee would be deposited in the state General Fund.

**Explanation of Local Expenditures:** (6) *Penalty Provision - Class B Misdemeanor*: If more defendants are detained in county jails prior to their court hearings, local expenditures for jail operations may increase. The average cost per day is approximately \$44.

**Explanation of Local Revenues:** (6) *Penalty Provision - Class B Misdemeanor*: If additional court actions occur and a guilty verdict is entered, local governments would receive revenue from the following sources: (1) The county general fund would receive 27% of the court fee (\$120 for a misdemeanor and \$70 for an infraction) that is assessed in a court of record. Cities and towns maintaining a law enforcement agency that prosecutes at least 50% of its ordinance violations in a court of record may receive 3% of court fees. If the case is filed in a city or town court, 20% of the court fee would be deposited in the county general fund and 25% would be deposited in the city or town general fund. (2) A \$3 fee would be assessed and, if collected, would be deposited into the county law enforcement continuing education fund. (3) A \$2 jury fee is assessed and, if collected, would be deposited into the county user fee fund to supplement the compensation of jury members.

**State Agencies Affected:** Bureau of Motor Vehicles.

**Local Agencies Affected:** Trial courts, local law enforcement agencies.

**Information Sources:**

**Fiscal Analyst:** James Sperlik, 317-232-9866.